

FILED**APR 28 2022**Clerk, U.S. District and
Bankruptcy Courts**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA****UNITED STATES OF AMERICA**

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Case No: 21-CR-474-BAH

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v.

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40 U.S.C. § 5104(e)(2)(G)

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JOSHUA MUNN,

:

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Defendant.

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STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Defendant, Joshua Munn, with the concurrence of his attorney, agree and stipulate to the below factual basis for Defendant's guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States

Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd

encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Joshua Munn's Participation in the January 6, 2021, Capitol Riot

8. Defendant traveled with his father, Thomas Munn, his mother, Dawn Munn, and three of his sisters, Kristi Munn, Kayli Munn, and Minor Child-1 (hereinafter collectively referred to as her family) from Borger, Texas to Washington, DC to attend the rally for former President Donald Trump.

9. After the rally, Defendant and his family joined the crowd and walked to the U.S. Capitol.

10. While outside on the Capitol grounds, Defendant and his family walked past bike rack fencing that had been pushed aside to allow the crowd through and green plastic fencing that had been knocked down and rolled up.

11. Defendant and his family were exposed to tear gas employed by law enforcement on the grounds and inside the U.S. Capitol. Defendant and his family knew that it was being employed to keep them out of the U.S. Capitol and entered the building and remained inside for approximately 52 minutes.

12. Defendant and his family entered the U.S. Capitol around 2:25 pm by crawling through the window next to the Senate Wing Doors.

13. Defendant and his family made their way to the Crypt and continued down to the Visitor's Center between approximately 2:30 pm and 2:36 pm, where they witnessed others physically engaging with law enforcement. Prior to entering the Visitor's Center, Defendant and his family stopped in the hallway to pick up trash on the floor.

14. Around 2:45 pm, Defendant and his family entered the area near the Memorial Door, heading back toward the Crypt.

15. Around 3:15 pm, Defendant and his family entered Room S-145.

16. Defendant and his family returned outside of the U.S. Capitol around 3:17 pm, crawling back out the window next to the Senate Wing Doors.

17. In a Facebook conversation with another Facebook user on January 6, 2021, Defendant wrote, "Before you hear it on the news I am I [sic] family marched on DC today it was extremely cool we did enter the Capitol building with the" ... "Second group there was no violence from the protesters at all it all came from the police believe it or not" ... "It was super cool everything was cool till the cop used tear gas that is when people got mad but still never hurt anyone." The other Facebook user replied, "Damn how did y'all get in the capital building." Defendant replied, "The first group opened up a window sort of say and we followed it through." The other Facebook user asked, "Oh so u broke in?" Defendant replied, "No we did not brake [sic]

In the window was opne [sic] when i got there" ... "There was one thing that I will say we may have broken a couple Windows to get in but when we were there no one was allowed to damage break or steal anything in the Capitol building."

18. In a conversation with his sister, Kelsi Munn, on January 7, 2021, Defendant wrote, "So ya they don't know shit and the cop look calm and happy outside of the capital but the one on the inside were trying to get us mad they would try using teargas shoot a couple of people with rubber bullets we weren't over by that though" ... "I am still feeling the teargas so ya I'm pissed" ... "It was all over the Capitol building they used it in the hallway to try and keep us out."

19. Defendant knew at the time he entered the U.S. Capitol Building with his family that he and his family did not have permission to enter the building and Defendant paraded, demonstrated, or picketed within the U.S. Capitol building with his family.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Jennifer M. Rozzoni
JENNIFER M. ROZZONI
Assistant United States Attorney

DEFENDANT'S ACKNOWLEDGMENT

I, *Joshua Munn*, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

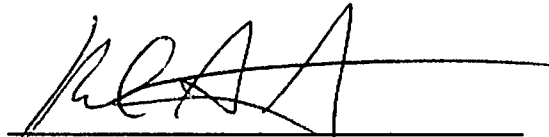
Date: 4/07/2022


JOSHUA MUNN
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 4/8/22


RICHARD S. STERN
Attorney for Defendant